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LEGISLATIVE COUNSEL'S DIGEST

SP 13: HEALTH CARE: CALIFORNIA DEATH WITH DIGNITY ACT.

UNDER EXISTING LAW, AN ADULT HAVING CAPACITY MAY GIVE AN INDIVIDUAL HEALTH CARE INSTRUCTION, INCLUDING, AMONG OTHER THINGS, DIRECTIONS TO PROVIDE, WITHHOLD, OR WITHDRAW ARTIFICIAL NUTRITION AND HYDRATION. EXISTING LAW ALSO PERMITS AN ADULT HAVING CAPACITY TO EXECUTE A POWER OF ATTORNEY FOR HEALTH CARE TO MAKE HEALTH CARE DECISIONS FOR THAT ADULT IN THE EVENT OF HIS OR HER INCAPACITY. EXISTING LAW PROVIDES THAT EVERY PERSON WHO DELIBERATELY AIDS, ADVISES, OR ENCOURAGES ANOTHER TO COMMIT SUICIDE IS GUILTY OF A FELONY.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION, TO BE KNOWN AS THE CALIFORNIA DEATH WITH DIGNITY ACT, THAT WOULD AUTHORIZE ADULT CALIFORNIA RESIDENTS WHO ARE MENTALLY COMPETENT AND TERMINALLY ILL TO MAKE A REQUEST AND RECEIVE MEDICATION FOR THE PURPOSE OF ENDING THEIR LIVES IN A HUMANE AND DIGNIFIED MANNER, AS SPECIFIED; NOT CLASSIFY ANY ACTION

PURSUANT TO THE ACT AS SUICIDE OR HOMICIDE; PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION TO ANY PERSON, HOSPITAL, OR HEALTH CARE FACILITY THAT COMPLIES IN GOOD FAITH WITH THE ACT; AND MAKE OTHER CLARIFYING CHANGES, AS SPECIFIED.

VOTE: MAJORITY.

SP 13: RELATING TO HEALTH CARE

WHEREAS, AN ADULT HAS A FUNDAMENTAL RIGHT TO CONTROL THE DECISIONS RELATING TO HIS OR HER OWN HEALTH CARE, INCLUDING THE DECISION TO HAVE LIFE-SUSTAINING TREATMENT WITHHELD OR WITHDRAWN; AND

WHEREAS, EVERY DAY IN CALIFORNIA, A NUMBER OF DYING PATIENTS ASK THEIR DOCTORS TO HASTEN THEIR DEATHS; AND

WHEREAS, DYING PATIENTS SHOULD HAVE CHOICES THROUGHOUT THE CONTINUUM OF PALLIATIVE CARE TO HAVE ACCESS TO HOSPICE CARE, PAIN MANAGEMENT, AND THE RIGHT TO END THEIR LIVES; AND

WHEREAS, A CALIFORNIA DEATH WITH DIGNITY ACT WOULD ALLOW TERMINALLY ILL, MENTALLY COMPETENT ADULT CALIFORNIA RESIDENTS THE LEGAL RIGHT TO ASK FOR AND RECEIVE LETHAL PRESCRIPTIONS FROM THEIR

PHYSICIANS IN ORDER TO HASTEN DEATH WHEN ALL OTHER EFFORTS TO RELIEVE PAIN AND SUFFERING HAVE PROVEN INEFFECTIVE; AND

WHEREAS, PROVIDING TERMINALLY ILL, COMPETENT ADULTS WITH THE LEGAL OPTION TO HASTEN THEIR DEATHS WOULD GIVE THESE INDIVIDUALS THE ABILITY TO ENJOY LIFE MORE BECAUSE THEY WOULD BE FREED FROM THE BURDEN OF WORRYING ABOUT WHETHER THEY WILL HAVE TO ENDURE EXCRUCIATING PAIN, MENTAL ANGUISH, AND PHYSICAL DEGRADATION AT THE END OF THEIR LIVES; AND

WHEREAS, THE STATES OF OREGON AND WASHINGTON HAVE SUCCESSFULLY ENACTED DEATH WITH DIGNITY ACTS, WITH NO DOCUMENTED CASES OF ABUSE SINCE THE LAWS HAVE BEEN IN EFFECT; AND

WHEREAS, SIXTY PERCENT OF OREGON VOTERS REJECTED AN ATTEMPT TO REPEAL THE OREGON DEATH WITH DIGNITY ACT IN THE NOVEMBER 1997 ELECTION; AND

WHEREAS, IN 2006, THE UNITED STATES SUPREME COURT PREVENTED THE ATTORNEY GENERAL OF THE UNITED STATES FROM INTERFERING WITH THE ENFORCEMENT OF THE OREGON DEATH WITH DIGNITY ACT; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR SENATE AND THE SENIOR ASSEMBLY, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2014 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE CALIFORNIA STATE LEGISLATURE ENACT A STATUTE TO BE

KNOWN AS THE CALIFORNIA DEATH WITH DIGNITY ACT (HEREAFTER ACT); AND
BE IT FURTHER

RESOLVED, THAT THIS ACT WOULD AUTHORIZE ONLY AN ADULT CALIFORNIA RESIDENT WHO IS MENTALLY COMPETENT AND IS DETERMINED BY HIS OR HER ATTENDING PHYSICIAN AND A CONSULTING PHYSICIAN TO BE SUFFERING FROM A TERMINAL ILLNESS TO MAKE A REQUEST AND RECEIVE MEDICATION FOR THE PURPOSE OF ENDING HIS OR HER LIFE IN A HUMANE AND DIGNIFIED MANNER; AND BE IT FURTHER

RESOLVED, THAT THIS ACT, WITH EVIDENCE OF STRICT AND RIGOROUS ATTENTION, WOULD DISTINGUISH BETWEEN CHRONIC CONDITIONS, WHICH ARE INELIGIBLE UNDER THE PROPOSED LEGISLATION, AND TERMINAL ILLNESSES, WHICH ARE ELIGIBLE; AND BE IT FURTHER

RESOLVED, THAT THIS ACT WOULD REQUIRE THE QUALIFIED PATIENT UTILIZING THE DESCRIBED PROCEDURE TO SELF-ADMINISTER THE MEDICATION PROVIDED; AND BE IT FURTHER

RESOLVED, THAT THIS ACT WOULD NOT AUTHORIZE ENDING A PATIENT'S LIFE BY LETHAL INJECTION, MERCY KILLING, OR ACTIVE EUTHANASIA, AND THAT ACTION TAKEN PURSUANT TO THIS ACT WOULD NOT CONSTITUTE SUICIDE OR HOMICIDE; AND BE IT FURTHER

RESOLVED, THAT ANY PERSON, HOSPITAL, OR HEALTH CARE FACILITY THAT COMPLIES IN GOOD FAITH WITH THIS ACT WOULD BE IMMUNE FROM CIVIL

OR CRIMINAL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION; AND BE IT FURTHER

RESOLVED, THAT MAKING OR RESCINDING A REQUEST FOR MEDICATION TO END A PERSON'S LIFE PURSUANT TO THIS ACT WOULD NOT CONDITION OR OTHERWISE AFFECT ANY PROVISION OF A HEALTH CARE SERVICE PLAN CONTRACT, DISABILITY INSURANCE POLICY, HEALTH BENEFIT PLAN CONTRACT, OR OTHER AGREEMENT THAT PROVIDES COVERAGE FOR HOSPITAL, MEDICAL, SURGICAL, OR OTHER EXPENSES; AND BE IT FURTHER

RESOLVED, THAT NO PROVISION IN A CONTRACT, WILL, OR OTHER AGREEMENT, INCLUDING A HEALTH CARE SERVICE PLAN CONTRACT, WOULD BE VALID TO THE EXTENT THAT IT WOULD AFFECT WHETHER A PERSON MAY MAKE OR RESCIND A REQUEST FOR MEDICATION FOR THE PURPOSE OF ENDING HIS OR HER LIFE; AND BE IT FURTHER

RESOLVED, THAT NO STATE FUNDS WOULD BE APPROPRIATED PURSUANT TO THIS ACT; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE
PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE ASSEMBLY,
AND THE GOVERNOR OF THE STATE OF CALIFORNIA.